

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

IN RE

Roger Peter Rinaldi and Desa Lilly Rinaldi,

Chapter 13

Debtors

Case No. 11-35689-svk

Roger Peter Rinaldi, et al.,

Plaintiffs,

Adversary No.12-02412-svk

v.

HSBC Bank USA, N.A. as Trustee for the
Wells Fargo Home Equity Trust 2005-2, et al.,

Defendants.

STIPULATION FOR ENTRY OF ORDER

WHEREAS, Defendants, HSBC Bank USA, N.A., as Trustee for the Wells Fargo Home Equity Trust 2005-2, Wells Fargo Bank, N.A., Wells Fargo Asset Securities Corporation, Litchfield Cavo LLP and Brad A. Markvart (collectively referred to as “the Wells Defendants”) filed against Roger Peter Rinaldi, Desa Lilly Rinaldi, (collectively referred to as “the Rinaldis”) and their counsel, Attorney Wendy Alison Nora (“Attorney Nora”) a Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11(c) and Rule 9011 (“the Sanctions Motion”); and

WHEREAS, the Wells Defendants asked the Court to enter an order prohibiting the Rinaldis or Attorney Nora from filing any action or proceeding in any United States District Court against any of the Wells Defendants arising from the Note and Mortgage at issue in this Adversary Proceeding without first obtaining leave of Court; and

WHEREAS, the Sanctions Motion was scheduled for hearing on February 1, 2017; and

WHEREAS, the Court held a hearing in this matter January 26, 2017, and during that hearing Attorney Nora advised the Court that the Rinaldis do not intend to file any action or proceeding against the Wells Defendants in any United States District Court arising from or related to the Note and Mortgage at issue in this Adversary Proceeding (“the Note and Mortgage”); and

WHEREAS, on January 26, 2017, the Court adjourned the February 1, 2017 hearing to allow the parties to discuss the terms of a Stipulation which would resolve the issues before the Court; and

WHEREAS, the Wells Defendants, Roger Peter Rinaldi, Desa Lilly Rinaldi, and Attorney Wendy Alison Nora wish to resolve the Sanctions Motion by Stipulation;

THEREFORE, the Wells Defendants, through their counsel, the Rinaldis, individually and through their counsel, and Attorney Nora, in her individual capacity and as counsel for the Rinaldis, agree to the entry of an Order approving the terms of the Stipulation set forth below:

1. Desa Lilly Rinaldi, Roger Peter Rinaldi, and Attorney Nora, individually and in her representative capacity as attorney for the Rinaldis, each agree that, other than the action in which this Stipulation is filed, as of January 26, 2017 he or she has not and will not initiate any action in any United States District Court, including any Bankruptcy Court, (“U.S. District Court”) against HSBC Bank, USA, N.A. as Trustee for the Wells Fargo Home Equity Trust 2005-2, Wells Fargo Bank, N.A., Wells Fargo Asset Securities Corporation, Litchfield Cavo LLP (including any of its current or former employees), or Attorney Brad Markvart arising from or related to the Note and Mortgage at issue in this Adversary Proceeding without first seeking leave of court as follows.

a. Before the Rinaldis or Attorney Nora may commence any action or proceeding as described in this paragraph, each agrees he or she will first submit to this Court a motion for leave to file the action or proceeding and shall attach to such motion (1) a copy of the proposed complaint or initiating pleading, and (2) a copy of this Stipulation and resulting Order subject to the following two limited exceptions.

i. Neither of the Rinaldis shall be required to seek leave of this Court to enforce their rights vested in Eastern District of Wisconsin Bankruptcy Case No. 16-27387

ii. Attorney Nora shall not be required to seek leave of this Court to enforce her ongoing rights in District of Minnesota Bankruptcy Case No. 15-41022.

iii. Paragraphs 1.a.i and 1.a.ii shall be given the broadest possible construction to assure that the bankruptcy rights of the Rinaldis and Attorney Nora are fully protected under this Stipulation.

b. The Parties agree this Court shall take judicial notice of: (1) the February 22, 2013 Decision and Order, E.D. Wis. Bank. Case No. 12-02412, Doc. 79; (2) the October 31, 2013 Decision and Order, E.D. Wis. Case No. 13-CV-336, Doc. 32; and (3) the February 11, 2015 Opinion of the Seventh Circuit Court of Appeals, Appeal No. 13-3865, Doc. 67 in deciding whether or not to grant leave to initiate an action or proceeding related to or arising from the Note and Mortgage.

c. The filing of any complaint or initiating pleading by the Rinaldis or Attorney Nora in any U.S. District Court without first obtaining leave from this Court as set forth in this Stipulation and resulting Order shall be deemed a violation of this Stipulation and resulting Order and shall be enforceable by proceedings for contempt of this Court's Order.

2. The Rinaldis preserve their right to defend their position related to the Note and Mortgage at issue in this Adversary Proceeding in any State Court proceeding or Federal Court proceeding initiated by any party seeking to enforce the Note and Mortgage, without first seeking leave of this Court. Furthermore, this Stipulation shall not be construed to preclude the Rinaldis from initiating any action or proceeding in State Court related to the Note and Mortgage.

3. The Wells Defendants preserve their right to raise in any State Court or Federal Court proceeding all arguments regarding the preclusive effect of the decisions rendered in this Adversary Proceeding, including decisions rendered on appeal by the District Court and by the Seventh Circuit Court of Appeals in the cases for which judicial notice shall be taken as set forth above.

4. The Sanctions Motion is hereby resolved by this Stipulation, and the Court makes no finding the Amended Complaint was filed in violation of Rule 9011 of the Federal Rules of Bankruptcy Procedure.

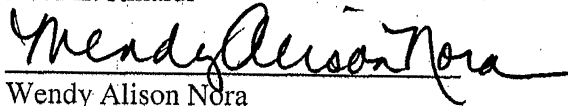
5. This Court retains the exclusive jurisdiction to interpret the terms and to enforce the compliance with the terms of this Stipulation.

Dated this 8th day of March, 2017.

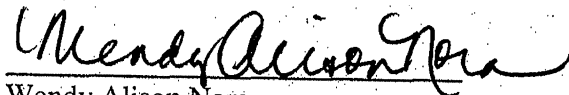
Dated this 8th day of March, 2017.

ACCESS LEGAL SERVICES

Attorneys for Roger Peter Rinaldi and
Desa L. Rinaldi


Wendy Alison Nora

S.B.W. # 1017043



Wendy Alison Nora
In her Individual Capacity

Dated this 8th day of March, 2017

Roger Peter Rinaldi
Roger Peter Rinaldi, individually

Dated this 8th day of March, 2017

Desa Lilly Rinaldi
Desa Lilly Rinaldi, individually

Dated this 10th day of March, 2017.

LITCHFIELD CAVO LLP

Attorneys for HSBC Bank USA, N.A., Wells
Fargo Bank, N.A., Wells Fargo Asset
Securities Corporation, Litchfield Cavo LLP,
and Brad A. Markvart.

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